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Customer No.: 31561
Application No.: 10/708,524
Docket No.: 11862-US-PA

REMARKS**Present Status of the Application**

It is noted with great appreciation that the Examiner indicated claims 6 and 15 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and claims 18-32 are allowed.

Claims 1-36 are pending of which claims 1 and 3 have been amended and claims 2 and 7-17 have been canceled without prejudice or disclaimer and claims 33-36 have been newly added in order to more explicitly describe the claimed invention. It is believed that no new matter adds by way of amendments made to claims or otherwise to the application. For at least the following reasons, Applicants respectfully submit that claims 1, 3-6, 18-32 and 33-36 patently define over prior art of record and reconsideration of this application is respectfully requested.

Discussion of the claim rejection under 35 USC 102

1. *The Office Action rejected claims 1-5, 7-13 and 16-17 under 35 USC 102(b) as being anticipated by Inumiya et al. (US-6,251,763, hereinafter Inumiya).*

Applicants respectfully disagree and traverse the above rejections as set forth below. The proposed amended independent claim 1, and the proposed newly added independent claim 33 are allowable for at least the reason that Inumiya substantially fails to teach or disclose each and every features of the amended proposed independent claims 1, and newly added proposed independent claim 33.

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More specifically, Inumiya fails to teach or disclose a method of fabricating a contact comprising at least the steps of "forming a patterned first material layer over the substrate, wherein the patterned first material layer comprises a metal; and performing a treatment process to transform a portion of the patterned first material layer into a second material layer, wherein the second material layer is formed on sidewall sections and a top section of the patterned first material layer", as required by the amended claim 1.

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Instead, Inumiya substantially discloses a step of forming patterned polysilicon layer (14) over the substrate (11) (please see Fig. 6A, col. 11, lines 30-35) and performing a thermal oxidation process to form an oxide layer over the polysilicon layer into a second material layer.... In other words, Applicants respectfully submit that Inumiya substantially fails to teach or disclose at least the steps of "forming a patterned first material layer over the substrate, wherein the patterned first material layer comprises a metal; and performing a treatment process to transform a portion of the patterned first material layer into a second material layer, wherein the second material layer is formed on sidewall sections and a top section of the patterned first material layer", as required by the amended claim 1, instead Inumiya substantially teaches a step of forming a patterned polysilicon layer over the substrate and a step of performing a thermal oxidation process to form an oxide layer over the patterned polysilicon layer.

Therefore, it is clear that Inumiya substantially fails to teach or disclose every features of the claimed invention as claimed in the amended proposed independent claim 1, and therefore the amended proposed independent claim 1 should be allowed.

Furthermore, Applicants respectfully submit that Inumiya also substantially fails to teach or disclose a method of fabricating a contact comprising at least the steps of "removing a remaining portion of the patterned first material layer to form a contact opening; and depositing a chalcogenide layer into the contact opening to form a contact as required by the newly added proposed independent claim 33. Instead, Inumiya substantially teaches a gate electrode 20 into the opening 30, wherein the material of the gate electrode is selected from the group consisting RU, TiN, W, tungsten nitride or

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W/TiN, or polysilicon (please see Fig. 6G, col. 13, lines 44-50). In other words, Inumiya substantially fails to teach or disclose a method of fabricating a contact opening, instead teaches a method of forming a gate electrode (20) and Inumiya also substantially fails to teach or disclose a step of depositing chalcogenide layer into the contact opening to form a contact.

Therefore, it is clear that Inumiya substantially fails to teach or disclose every features of the claimed invention as claimed in the newly added proposed independent claim 33, and therefore the newly added proposed independent claim 33 should be allowed.

Claims 3-5, and 34-36, which depend from independent Claims 1 and 33, directly or indirectly, are also patentable over Inumiya, at least because of their dependency from an allowable base claim.

For at least the foregoing reasons, Applicants respectfully submit that claims 1-6 and 33-36 patently define over Inumiya, and therefore should be allowed. Reconsideration and withdrawal of the above rejections is respectfully requested.

2. *The Office Action rejected claims 1, 3-5, 7-9 and 16-17 under 35 USC 102(b) as being anticipated by Tsu et al. (US-5,432,128, hereinafter Tsu).*

Applicants respectfully disagree and traverse the above rejections as set forth below. The proposed amended independent claim 1, and the newly added proposed independent claim 33 are allowable for at least the reason that Tsu substantially fails to

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teach or disclose each and every features of the amended proposed independent claims 1, and newly added proposed independent claim 33.

More specifically, Tsu fails to teach or disclose a method of fabricating a contact comprising at least the steps of "removing a remaining portion of the patterned first material layer to form a contact opening", as required by the amended claim 1.

Instead, Tsu substantially discloses a process of strengthening the aluminum lead by exposing the aluminum lead to oxidation or nitridation to form a coating 18, however Tsu substantially discloses retaining the aluminum layer to serve as the aluminum lead (please see Figure 3f). In other words, Tsu substantially fails to teach or disclose at least a step of "removing a remaining portion of the patterned first material layer to form a contact opening", as required by the amended claim 1, instead Tsu substantially retaining the aluminum layer to serve as the aluminum lead. Accordingly, Tsu cannot possibly anticipate claim 1 in this regard.

Therefore, it is clear that Tsu substantially fails to teach or disclose every features of the claimed invention as claimed in the amended proposed independent claim 1, and therefore the amended proposed independent claim 1 should be allowed.

Furthermore, Applicants respectfully submit that Tsu also substantially fails to teach or disclose a method of fabricating a contact comprising at least the steps of "removing a remaining portion of the patterned first material layer to form a contact opening; and depositing a chalcogenide layer into the contact opening to form a contact as required by the newly added proposed independent claim 33. Instead, Tsu

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substantially teaches retaining the aluminum layer to serve as the aluminum lead. Accordingly, Tsu cannot possibly meet claim 33 in this regard.

Therefore, it is clear that Tsu substantially fails to teach or disclose every features of the claimed invention as claimed in the newly added proposed independent claim 33, and therefore the newly added proposed independent claim 33 should be allowed.

Claims 3-5, and 34-36, which depend from independent Claims 1 and 33, directly or indirectly, are also patentable over Tsu, at least because of their dependency from an allowable base claim.

For at least the foregoing reasons, Applicants respectfully submit that claims 1-5 and 33-36 patently define over Tsu, and therefore should be allowed. Reconsideration and withdrawal of the above rejections is respectfully requested.

3. *The Office Action rejected claims 7, 10, 13, 14 and 16 under 35 USC 102(e) as being anticipated by Inai et al. (US-2003/0129818, hereinafter Inai).*

Applicants respectfully submit that Claims 7-17 have been canceled without prejudice or disclaimer. Accordingly, the Examiner's rejections of claims 7, 10, 13, 14 and 16 are now moot. Reconsideration is respectfully rejected.

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CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1, 3-6, 18-32 and 33-36 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted

Date :

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